

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  LEGACY LONG DISTANCE INTERNATIONAL, INC.,  Respondent.	DOCKET NO. FCU-03-53
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**ORDER DOCKETING FOR FORMAL PROCEEDING  
AND REQUIRING RESPONSE**

(Issued January 20, 2004)

On November 20, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103 (2003), asking that the Board review the proposed resolution issued in C-03-215, involving Legacy Long Distance International, Inc. (Legacy), and consider the possibility of assessing a civil penalty pursuant to Iowa Code § 476.103(4)"a." Based upon the record assembled in the informal complaint proceeding (which is a part of the record in this proceeding pursuant to 199 IAC 6.7), it appears the events to date can be summarized as follows:

On September 16, 2003, the Board received a written complaint from Ms. Barbara Ridenour against Global Crossing Telecommunications, Inc. (Global), alleging that her subscribed long distance service was changed to Global without her authorization. Board staff identified the matter as C-03-215 and, pursuant to Board rules, on September 22, 2003, forwarded the complaint to Global for response.

Global responded on September 29, 2003, stating that its records demonstrated that the change to Ms. Ridenour's long distance carrier was initiated by Legacy, a switchless reseller of Global's long distance services. As a result of Global's response, Board staff forwarded Ms. Ridenour's complaint to Legacy on October 8, 2003, for response within ten days. Legacy did not respond within the ten-day time limit.

On November 12, 2003, Board staff issued a proposed resolution describing these events and finding by default that Legacy had violated the Board's slamming rules. The proposed resolution directed Legacy to fully credit all charges on Ms. Ridenour's account and to close Ms. Ridenour's account. No party other than the Consumer Advocate has challenged the staff's proposed resolution.

In its November 20, 2003, petition, Consumer Advocate asserts a civil penalty should be imposed against Legacy to deter future slamming violations. Consumer Advocate also asserts that other slamming complaints received by Board staff have named Legacy as the alleged violating company. Consumer Advocate requests that the Board docket this complaint for a formal proceeding. Legacy has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date as well as the additional slamming complaints made against Legacy and finds that there is sufficient information to warrant further investigation in this matter. The Board recognizes that there has not been any action in this matter for some time. Therefore, the Board will delay establishing a procedural schedule until March 8, 2004, and allow Legacy an opportunity to respond to the allegations raised in Consumer Advocate's petition.

**IT IS THEREFORE ORDERED:**

1. The "Petition for Proceeding to Impose Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on November 20, 2003, identified as Docket No. FCU-03-53, is granted and the matter is docketed for formal proceedings.
2. Legacy Long Distance International, Inc., is requested to file a response to Consumer Advocate's petition filed November 20, 2003, on or before March 8, 2004.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of January, 2004.